

AMENDMENT TO
RULES COMMITTEE PRINT 117-54
OFFERED BY MR. DAVIDSON OF OHIO

At the end of subtitle G of title X, insert the following:

1 **SEC. 10____. OFFICE OF THE SPECIAL INSPECTOR GEN-**
2 **ERAL FOR UKRAINIAN MILITARY, ECONOMIC,**
3 **AND HUMANITARIAN AID.**

4 (a) PURPOSES.—The purposes of this section are—
5 (1) to provide for the independent and objective
6 conduct and supervision of audits and investigations
7 relating to the programs and operations funded with
8 amounts appropriated or otherwise made available to
9 Ukraine for military, economic, and humanitarian
10 aid;

11 (2) to provide for the independent and objective
12 leadership and coordination of, and recommenda-
13 tions concerning, policies designed—

14 (A) to promote economic efficiency and ef-
15 fectiveness in the administration of the pro-
16 grams and operations described in paragraph
17 (1); and

1 (B) to prevent and detect waste, fraud,
2 and abuse in such programs and operations;
3 and

4 (3) to provide for an independent and objective
5 means of keeping the Secretary of State, the Sec-
6 retary of Defense, and the heads of other relevant
7 Federal agencies fully and currently informed
8 about—

9 (A) problems and deficiencies relating to
10 the administration of the programs and oper-
11 ations described in paragraph (1); and

12 (B) the necessity for, and the progress to-
13 ward implementing, corrective action related to
14 such programs.

15 (b) ESTABLISHMENT.—

16 (1) IN GENERAL.—There is hereby established
17 in the Department of Defense the Office of the Spe-
18 cial Inspector General for Ukrainian Military, Eco-
19 nomic, and Humanitarian Aid to carry out the pur-
20 poses set forth in subsection (a).

21 (2) APPOINTMENT OF SPECIAL INSPECTOR
22 GENERAL.—The head of the Office shall be the Spe-
23 cial Inspector General for Ukrainian Military, Eco-
24 nomic, and Humanitarian Aid, who shall be ap-
25 pointed by the President. The first Special Inspector

1 General shall be appointed not later than 30 days
2 after the date of the enactment of this Act.

3 (3) QUALIFICATIONS.—The appointment of the
4 Special Inspector General shall be made solely on
5 the basis of integrity and demonstrated ability in ac-
6 counting, auditing, financial analysis, law, manage-
7 ment analysis, public administration, or investiga-
8 tions.

9 (4) COMPENSATION.—The annual rate of basic
10 pay of the Special Inspector General shall be the an-
11 nual rate of basic pay provided for positions at level
12 IV of the Executive Schedule under section 5315 of
13 title 5, United States Code.

14 (5) PROHIBITION ON POLITICAL ACTIVITIES.—
15 For purposes of section 7324 of title 5, United
16 States Code, the Special Inspector General is not an
17 employee who determines policies to be pursued by
18 the United States in the nationwide administration
19 of Federal law.

20 (6) REMOVAL.—The Special Inspector General
21 shall be removable from office in accordance with
22 section 3(b) of the Inspector General Act of 1978 (5
23 U.S.C. App.).

1 (c) ASSISTANT INSPECTORS GENERAL.—The Special
2 Inspector General, in accordance with applicable laws and
3 regulations governing the civil service, shall appoint—

4 (1) an Assistant Inspector General for Audit-
5 ing, who shall supervise the performance of auditing
6 activities relating to programs and operations sup-
7 ported by amounts appropriated or otherwise made
8 available for military, economic, and humanitarian
9 aid to Ukraine; and

10 (2) an Assistant Inspector General for Inves-
11 tigation, who shall supervise the performance of in-
12 vestigative activities relating to the programs and
13 operations described in paragraph (1).

14 (d) SUPERVISION.—

15 (1) IN GENERAL.—Except as provided in para-
16 graph (2), the Special Inspector General shall report
17 directly to, and be under the general supervision of,
18 the Secretary of State and the Secretary of Defense.

19 (2) INDEPENDENCE TO CONDUCT INVESTIGA-
20 TIONS AND AUDITS.—No officer of the Department
21 of Defense, the Department of State, the United
22 States Agency for International Development, or any
23 other relevant Federal agency may prevent or pro-
24 hibit the Special Inspector General from—

1 (A) initiating, carrying out, or completing
2 any audit or investigation related to amounts
3 appropriated or otherwise made available for
4 the military, economic, and humanitarian aid to
5 Ukraine; or

6 (B) issuing any subpoena during the
7 course of any such audit or investigation.

8 (e) DUTIES.—

9 (1) OVERSIGHT OF MILITARY, ECONOMIC, AND
10 HUMANITARIAN AID TO UKRAINE PROVIDED AFTER
11 FEBRUARY 24, 2022.—The Special Inspector General
12 shall conduct, supervise, and coordinate audits and
13 investigations of the treatment, handling, and ex-
14 penditure of amounts appropriated or otherwise
15 made available for military, economic, and humani-
16 tarian aid to Ukraine, and of the programs, oper-
17 ations, and contracts carried out utilizing such
18 funds, including—

19 (A) the oversight and accounting of the ob-
20 ligation and expenditure of such funds;

21 (B) the monitoring and review of recon-
22 struction activities funded by such funds;

23 (C) the monitoring and review of contracts
24 funded by such funds;

1 (D) the monitoring and review of the
2 transfer of such funds and associated informa-
3 tion between and among departments, agencies,
4 and entities of the United States and private
5 and nongovernmental entities;

6 (E) the maintenance of records regarding
7 the use of such funds to facilitate future audits
8 and investigations of the use of such funds;

9 (F) the monitoring and review of the effec-
10 tiveness of United States coordination with the
11 Government of Ukraine, major recipients of
12 Ukrainian refugees, partners in the region, and
13 other donor countries;

14 (G) the investigation of overpayments
15 (such as duplicate payments or duplicate bill-
16 ing) and any potential unethical or illegal ac-
17 tions of Federal employees, contractors, or af-
18 filiated entities; and

19 (H) the referral of reports compiled as a
20 result of such investigations, as necessary, to
21 the Department of Justice to ensure further in-
22 vestigations, prosecutions, recovery of funds, or
23 other remedies.

24 (2) OTHER DUTIES RELATED TO OVERSIGHT.—

25 The Special Inspector General shall establish, main-

1 tain, and oversee such systems, procedures, and con-
2 trols as the Special Inspector General considers ap-
3 propriate to discharge the duties described in para-
4 graph (1).

5 (3) CONSULTATION.—The Special Inspector
6 General shall consult with the appropriate congres-
7 sional committees before engaging in auditing activi-
8 ties outside of Ukraine.

9 (4) DUTIES AND RESPONSIBILITIES UNDER IN-
10 SPECTOR GENERAL ACT OF 1978.—In addition to the
11 duties specified in paragraphs (1) and (2), the Spe-
12 cial Inspector General shall have the duties and re-
13 sponsibilities of inspectors general under the Inspec-
14 tor General Act of 1978 (5 U.S.C. App.).

15 (5) COORDINATION OF EFFORTS.—In carrying
16 out the duties, responsibilities, and authorities of the
17 Special Inspector General under this section, the
18 Special Inspector General shall coordinate with, and
19 receive cooperation from—

20 (A) the Inspector General of the Depart-
21 ment of Defense;

22 (B) the Inspector General of the Depart-
23 ment of State;

1 (C) the Inspector General of the United
2 States Agency for International Development;
3 and

4 (D) the Inspector General of any other rel-
5 evant Federal agency.

6 (f) POWERS AND AUTHORITIES.—

7 (1) AUTHORITIES UNDER INSPECTOR GENERAL
8 ACT OF 1978.—In carrying out the duties specified in
9 subsection (f), the Special Inspector General shall
10 have the authorities provided under section 6 of the
11 Inspector General Act of 1978, including the au-
12 thorities under subsection (e) of such section.

13 (2) AUDIT STANDARDS.—The Special Inspector
14 General shall carry out the duties specified in sub-
15 section (e)(1) in accordance with section 4(b)(1) of
16 the Inspector General Act of 1978.

17 (g) PERSONNEL, FACILITIES, AND OTHER RE-
18 SOURCES.—

19 (1) PERSONNEL.—The Special Inspector Gen-
20 eral may select, appoint, and employ such officers
21 and employees as may be necessary for carrying out
22 the duties of the Special Inspector General, subject
23 to the provisions of—

1 (A) chapter 33 of title 5, United States
2 Code, governing appointments in the competi-
3 tive service; and

4 (B) chapter 51 and subchapter III of chap-
5 ter 53 of such title, relating to classification
6 and General Schedule pay rates.

7 (2) EMPLOYMENT OF EXPERTS AND CONSULT-
8 ANTS.—The Special Inspector General may obtain
9 the services of experts and consultants in accordance
10 with section 3109 of title 5, United States Code, at
11 daily rates not to exceed the equivalent rate pre-
12 scribed for grade GS-15 of the General Schedule
13 under section 5332 of such title.

14 (3) CONTRACTING AUTHORITY.—To the extent
15 and in such amounts as may be provided in advance
16 by appropriations Acts, the Special Inspector Gen-
17 eral may—

18 (A) enter into contracts and other arrange-
19 ments for audits, studies, analyses, and other
20 services with public agencies and with private
21 persons; and

22 (B) make such payments as may be nec-
23 essary to carry out the duties of the Special In-
24 spector General.

1 (4) RESOURCES.—The Secretary of State or the
2 Secretary of Defense, as appropriate, shall provide
3 the Special Inspector General with—

4 (A) appropriate and adequate office space
5 at appropriate locations of the Department of
6 State or the Department of Defense, as appropriate, in Ukraine or in European partner
7 countries;
8

9 (B) such equipment, office supplies, and
10 communications facilities and services as may
11 be necessary for the operation of such offices;
12 and

13 (C) necessary maintenance services for
14 such offices and the equipment and facilities located in such offices.
15

16 (5) ASSISTANCE FROM FEDERAL AGENCIES.—

17 (A) IN GENERAL.—Upon request of the
18 Special Inspector General for information or assistance from any department, agency, or other
19 entity of the Federal Government, the head of
20 such entity shall, to the extent practicable and
21 not in contravention of any existing law, furnish
22 such information or assistance to the Special
23 Inspector General or an authorized designee.
24

1 (B) REPORTING OF REFUSED ASSIST-
2 ANCE.—Whenever information or assistance re-
3 quested by the Special Inspector General is, in
4 the judgment of the Special Inspector General,
5 unreasonably refused or not provided, the Spe-
6 cial Inspector General shall immediately report
7 the circumstances to—

8 (i) the Secretary of State or the Sec-
9 retary of Defense, as appropriate; and

10 (ii) the appropriate congressional com-
11 mittees.

12 (h) REPORTS.—

13 (1) QUARTERLY REPORTS.—Not later than 30
14 days after the end of each quarter of each fiscal
15 year, the Special Inspector General shall submit to
16 the appropriate congressional committees, the Sec-
17 retary of State, and the Secretary of Defense a re-
18 port that—

19 (A) summarizes, for the applicable quarter,
20 and to the extent possible, for the period from
21 the end of such quarter to the date on which
22 the report is submitted, the activities during
23 such period of the Special Inspector General
24 and the activities under programs and oper-
25 ations funded with amounts appropriated or

1 otherwise made available for military, economic,
2 and humanitarian aid to Ukraine; and

3 (B) includes, for applicable quarter, a de-
4 tailed statement of all obligations, expenditures,
5 and revenues associated with military, eco-
6 nomic, and humanitarian activities in Ukraine,
7 including—

8 (i) obligations and expenditures of ap-
9 propriated funds;

10 (ii) a project-by-project and program-
11 by-program accounting of the costs in-
12 curred to date for military, economic, and
13 humanitarian aid to Ukraine, including an
14 estimate of the costs to be incurred by the
15 Department of Defense, the Department of
16 State, the United States Agency for Inter-
17 national Development, and other relevant
18 Federal agencies to complete each project
19 and each program;

20 (iii) revenues attributable to, or con-
21 sisting of, funds provided by foreign na-
22 tions or international organizations to pro-
23 grams and projects funded by any Federal
24 department or agency and any obligations
25 or expenditures of such revenues;

1 (iv) revenues attributable to, or con-
2 sisting of, foreign assets seized or frozen
3 that contribute to programs and projects
4 funded by any Federal department or
5 agency and any obligations or expenditures
6 of such revenues;

7 (v) operating expenses of entities re-
8 ceiving amounts appropriated or otherwise
9 made available for military, economic, and
10 humanitarian aid to Ukraine; and

11 (vi) for any contract, grant, agree-
12 ment, or other funding mechanism de-
13 scribed in paragraph (2)—

14 (I) the dollar amount of the con-
15 tract, grant, agreement, or other
16 funding mechanism;

17 (II) a brief discussion of the
18 scope of the contract, grant, agree-
19 ment, or other funding mechanism;

20 (III) a discussion of how the
21 Federal department or agency in-
22 volved in the contract, grant, agree-
23 ment, or other funding mechanism
24 identified, and solicited offers from,
25 potential individuals or entities to per-

1 form the contract, grant, agreement,
2 or other funding mechanism, includ-
3 ing a list of the potential individuals
4 or entities that were issued solicita-
5 tions for the offers; and

6 (IV) the justification and ap-
7 proval documents on which the deter-
8 mination to use procedures other than
9 procedures that provide for full and
10 open competition was based.

11 (2) COVERED CONTRACTS, GRANTS, AGREE-
12 MENTS, AND FUNDING MECHANISMS.—A contract,
13 grant, agreement, or other funding mechanism de-
14 scribed in this paragraph is any major contract,
15 grant, agreement, or other funding mechanism that
16 is entered into by any Federal department or agency
17 that involves the use of amounts appropriated or
18 otherwise made available for the military, economic,
19 or humanitarian aid to Ukraine with any public or
20 private sector entity—

21 (A) to build or rebuild the physical infra-
22 structure of Ukraine;

23 (B) to establish or reestablish a political or
24 societal institution of Ukraine;

1 (C) to provide products or services to the
2 people of Ukraine; or

3 (D) to provide security assistance to
4 Ukraine.

5 (3) PUBLIC AVAILABILITY.—The Special In-
6 spector General shall publish each report submitted
7 pursuant to paragraph (1) on a publicly available
8 internet website in English, Ukrainian, and Russian.

9 (4) FORM.—Each report required under para-
10 graph (1) shall be submitted in unclassified form,
11 but may include a classified annex if the Special In-
12 spector General determines that a classified annex is
13 necessary.

14 (5) SUBMISSION OF COMMENTS TO CON-
15 GRESS.—During the 30-day period beginning on the
16 date a report is received under paragraph (1), the
17 Secretary of State and the Secretary of Defense may
18 submit comments to the appropriate congressional
19 committees, in unclassified form, regarding any mat-
20 ters covered by the report that the Secretary of
21 State or the Secretary of Defense considers appro-
22 priate. Such comments may include a classified
23 annex if the Secretary of State or the Secretary of
24 Defense considers such annex to be necessary.

1 (6) RULE OF CONSTRUCTION.—Nothing in this
2 subsection may be construed to authorize the public
3 disclosure of information that is—

4 (A) specifically prohibited from disclosure
5 by any other provision of law;

6 (B) specifically required by Executive order
7 to be protected from disclosure in the interest
8 of defense or national security or in the conduct
9 of foreign affairs; or

10 (C) a part of an ongoing criminal inves-
11 tigation.

12 (i) TRANSPARENCY.—

13 (1) REPORT.—Except as provided in paragraph
14 (3), not later than 60 days after receiving a report
15 under subsection (h)(1), the Secretary of State and
16 the Secretary of Defense shall jointly make copies of
17 the report available to the public upon request and
18 at a reasonable cost.

19 (2) COMMENTS.—Except as provided in para-
20 graph (3), not later than 60 days after submitting
21 comments pursuant to subsection (h)(5), the Sec-
22 retary of State and the Secretary of Defense shall
23 jointly make copies of such comments available to
24 the public upon request and at a reasonable cost.

25 (3) WAIVER.—

1 (A) AUTHORITY.—The President may
2 waive the requirement under paragraph (1) or
3 (2) with respect to availability to the public of
4 any element in a report submitted pursuant to
5 subsection (i)(1) or any comments submitted
6 pursuant to subsection (h)(5) if the President
7 determines that such waiver is justified for na-
8 tional security reasons.

9 (B) NOTICE OF WAIVER.—The President
10 shall publish a notice of each waiver made
11 under subparagraph (A) in the Federal Register
12 not later than the date of the submission to the
13 appropriate congressional committees of a re-
14 port required under subsection (h)(1) or any
15 comments under subsection (h)(5). Each such
16 report and comments shall specify whether a
17 waiver was made pursuant to subparagraph (A)
18 and which elements in the report or the com-
19 ments were affected by such waiver.

20 (j) AUTHORIZATION OF APPROPRIATIONS.—

21 (1) IN GENERAL.—There is authorized to be
22 appropriated \$20,000,000 for fiscal year 2023 to
23 carry out this section.

24 (2) OFFSET.—The amount appropriated under
25 the heading “assistance for europe, eurasia, and cen-

1 tral asia” in title III of the Department of State,
2 Foreign Operations, and Related Programs Appro-
3 priations Act, 2022 (division K of Public Law 117–
4 103) is reduced by \$20,000,000.

5 (k) TERMINATION.—

6 (1) IN GENERAL.—The Office shall terminate
7 on the day that is 180 days after the date on which
8 amounts appropriated or otherwise made available
9 for the reconstruction of Ukraine that are unex-
10 pended are less than \$250,000,000.

11 (2) FINAL REPORT.—Before the termination
12 date referred to in paragraph (1), the Special In-
13 specter General shall prepare and submit to the ap-
14 propriate congressional committees a final forensic
15 audit report on programs and operations funded
16 with amounts appropriated or otherwise made avail-
17 able for the military, economic, and humanitarian
18 aid to Ukraine.

19 (l) DEFINITIONS.—In this section:

20 (1) The term “amounts appropriated or other-
21 wise made available for the military, economic, and
22 humanitarian aid for Ukraine” means amounts ap-
23 propriated or otherwise made available for any fiscal
24 year—

1 (A) for the Ukraine Security Assistance
2 Initiative;

3 (B) for Foreign Military Financing fund-
4 ing for Ukraine; and

5 (C) under titles III and VI of the Ukraine
6 Supplemental Appropriations Act (division N of
7 Public Law 117–103)

8 (2) The term “appropriate congressional com-
9 mittees” means—

10 (A) the Committee on Appropriations of
11 the Senate;

12 (B) the Committee on Armed Services of
13 the Senate;

14 (C) the Committee on Foreign Relations of
15 the Senate;

16 (D) the Committee on Appropriations of
17 the House of Representatives;

18 (E) the Committee on Armed Services of
19 the House of Representatives; and

20 (F) the Committee on Foreign Affairs of
21 the House of Representatives.

22 (3) The term “Office” means the Office of the
23 Special Inspector General for Ukrainian Military,
24 Economic, and Humanitarian Aid established under
25 subsection (b)(1).

1 (4) The term “Special Inspector General”
2 means the Special Inspector General for Ukrainian
3 Military, Economic, and Humanitarian Aid ap-
4 pointed pursuant to subsection (b)(2).

